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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/885,698 06/30/97 GORDON

S 1647/47358

EXAMINER

LMC1/0822

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ART UNIT

PAPER NUMBER

2731

DATE MAILED:

08/22/00

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

1-0

Advisory Action

Application No.

08/885,698

Applicant(s)

Gordon

Examiner

Steven Nguyen

Group Art Unit

2731



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due two months from the date of the Notice of Appeal filed on Aug 11, 2000 (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jun 5, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Claims 19, the added and deleted limitation have alter the claimed invention. Therefore, it requires further consideration and/or search (See attachment).

- ☒ Applicant's response has overcome the following rejection(s):

See attachment.

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1, 4-10, and 12-23

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

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Response to Arguments

1. Applicant's arguments filed 8/11/2000 have been fully considered but they are not persuasive.

Page 2-3 of the response, the applicant states that the recites "analog" and "encoded audio data packet" are inherently disclosed in the specification. In reply, the applicant has overcome the first paragraph of the rejection such as the analog audio signal which recited by Line interface of motor. However, the recited encoded audio data packet is not inherently disclosed Real Audio streaming audio product. Therefore, it is not over come the first paragraph rejection.

For the second paragraph, the recitation "electrical audio signal" is not inherent; the specification does not disclose a monitor station at Page 7, lines 19-31. Although, it recites that one can listen . . . and at local computer 12. Therefore, the specification is lack antecedent basic.

Page 4-6, the applicant states that Focsaneanu fails to disclose a step of splitting a portion of a telephone transmission signal. In reply, the examiner discloses in Page 5 of the Office action which mailed on 6/5/00 that the Line Interface (Fig 12, identification) which includes a converter having an impedance matching and voltage conversion (Fig 1, 16, See col 10, lines 6-14) for splitting a portion of telephone transmission signals to packetize "PAD" the signals for transmission via WAN and an Ethernet interface for connecting to the network (See Fig 12,

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Interface for connecting to data network). Furthermore, Huang discloses a converter for splitting and converting the telephone transmission signals to audio signals (Ref 13 of Fig 3a).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Focsaneanu discloses a method of converting back and forth between the telephone and network signal which includes a Line interface. Huang discloses a method of converting back and forth between the telephone and network signal. Therefore, it would have been obvious to one of ordinary skill in the art to apply Huang's teaching into Focsaneanu's teaching. The motivation would have been to reduce the cost of long distance call between the users.

Furthermore, the applicant states that Krishnawamy fails disclose a sound card and an audio stream program. In reply, Krishnawamy discloses a multimedia PC which allow a client to communication with a telephone or computer. So it includes a sound card and audio stream program (See col 81, lines 5-25 and col 96, lines 24-37) for claim 4, 7, 9, 16, 18 and 21-22.

The teaching of Krishnawamy, Huang and Focsaneanu perform the claimed invention. Therefore, the rejection maintains.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Steven Nguyen
Art Unit 2731
August 21, 2000


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700 8/22/00